On March 15, 1940, the United States attorney for the Southern District of Illinois filed an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment on or about October 23 and November 12, 1936, and January 11, 1937, from the State of Illinois into the States of Iowa and Missouri of quantities of phenacetin compound tablets and acetanilid tablets that were adulterated and misbranded.

The phenacetin compound tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 3 grains of aspirin; whereas each tablet contained less than so represented, namely, not more than 1.82 grains of aspirin. They were alleged to be misbranded in that the statement "Tablets * * * Aspirin 3 grs.," borne on the bottle label, was false and misleading.

The acetanilid tablets were alleged to be adulterated in that they were sold under and by a name recognized in the National Formulary, but differed from the standard of strength, quality, and purity as determined by the test laid down therein since the National Formulary provides that tablets of acetanilid shall contain not less than 92.5 percent of the labeled amount of acetanilid; whereas the tablets labeled 3 grains contained not more than 79.0 percent of the amount of acetanilid declared on the label (not more than 2.37 grains per tablet); and those labeled 5 grains contained not more than 85.8 percent of the amount declared (not more than 4.29 grains of acetanilid per tablet); and the standard of strength, quality, and purity of the article was not declared on the container. They were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold since they were represented to contain, in one instance, 3 grains of acetanilid and, in the other, 5 grains of acetanilid; whereas the tablets contained less than so represented. They were alleged to be misbranded in that the statements, "Tablets * * * Acetanilid 3 grains" and "Acetanilid 5 grains," borne on the bottle labels, were false and misleading.

On June 28, 1940, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of $50 in lieu of fine and costs.

31139. Misbranding of Dr. Meyers Nervine and Mdme Brady's Female Compound. U. S. v. Purepac Corporation. Tried to the court and a jury. Verdict of guilty. Fine, $599. (F. & D. No. 42655. Sample Nos. 8867-D, 8868-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On July 25, 1939, the United States attorney for the Southern District of New York filed an information against the Purepac Corporation, New York, N. Y., alleging shipment within the period from on or about December 23, 1937, to on or about February 8, 1938, from the State of New York into the State of Illinois of quantities of Dr. Meyers Nervine and Mdme Brady's Female Compound which were misbranded. The articles were labeled in part: "Distributed by Oakland Laboratories, Chicago, Ill."

Analyses showed that Dr. Meyers Nervine consisted essentially of bromides including ammonium bromide, potassium bromide, and sodium bromide, extract of valerian, sugar, and water; and that Mdme Brady's Female Compound consisted essentially of plant drugs indicating the presence of squaw vine, passiflora, poplar, blue cohosh, black cohosh, pokeroot, senna leaves, cascara, berberis, viburnum, juniper, and celery, sodium salicylate, alcohol, sugar, and water.

Dr. Meyers Nervine was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of nervous diseases, that it would quiet the nerves and bring to the nervous system a natural repose that is conducive to good health, that it was effective as a valuable, safe, dependable, nonnarcotic, harmless compound; that it was effective in the treatment of dispsomania, drunkenness, and delirium tremens and would aid in breaking the habit of drunkenness, and would relieve nervous disorders that resulted in the forming of the habit as well as those that resulted therefrom; that it was effective in the treatment of nervous headaches, general nervousness and hysteria; that it would restore impaired nervous energy and quiet the nerves, aid in the exercise of will power; that it was effective in the treatment of nervous exhaustion and conditions resulting therefrom such as dizziness, headaches, sleeplessness, anxiety, weakness of the heart, eyes and stomach, neuralgia, sciatica, sleeplessness caused by brain irritation and digestive disorders resulting in impaired nerves.

Mdme Brady's Female Compound was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of ailments of women due to overwork, undernourishment, and run-down physical condition; and that it was effective as a general systemic tonic for women.

On July 14, 1941, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. The trial was concluded on July 18, 1941, on which date the jury returned a verdict of guilty. On July 29, 1941, the court sentenced the defendant to pay a fine of $599.

31140. Adulteration and misbranding of iron, arsenic, and strychnine, and of Rumen Stimulant; misbranding of San-O-Fern and Mastitis Ointment. U. S. v. J. F. Devine Laboratories, Inc. Plea of guilty. Fine, $400. (F. & D. No. 42650. Sample Nos. 842–D, 7538–D, 10328–D, 14396–D, 14522–D.)

This case involved two shipments of iron, strychnine, and arsenic of which both lots were deficient in strychnine sulfate and one was also deficient in arsenic trioxide; one shipment of Rumen Stimulant which contained less barium chloride than declared, and one shipment each of San-O-Fern and Mastitis Ointment the labeling of which bore false and fraudulent curative and therapeutic claims.

On August 15, 1940, the United States attorney for the Southern District of New York filed an information against the J. F. Devine Laboratories, Inc., Goshen, N. Y., alleging shipment within the period from on or about December 8, 1937, to on or about February 2, 1938, from the State of New York into the States of Maine, North Carolina, New Jersey, Vermont, and New Hampshire of quantities of the above-named drugs which were adulterated and/or misbranded.

Analyses showed that the San-O-Fern consisted essentially of small proportions of oleoresin of male fern, santonin, calomel, and chloroform; and that the Mastitis Ointment contained small proportions of iodine and sulfuric acid incorporated in a lanolin base.

The iron, arsenic, and strychnine was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each fluid ounce of the article was represented to contain 1 grain of strychnine sulfate and 1 grain of arsenic trioxide; whereas each fluid ounce contained less than 1 grain of strychnine sulfate, samples taken from the two shipments having been found to contain 0.85 grain and 0.58 grain, respectively, of strychnine sulfate and one shipment contained less than 1 grain, namely, not more than 0.54 grain of arsenic trioxide. The article was alleged to be misbranded in that the statement "Each fluid ounce represents Strych. Sulf. 1 Gr.," with respect to both shipments, and the statement "Arsenic Triox. 1 Gr." with respect to one of the shipments, borne on the labels, were false and misleading since the article in both shipments contained less than 1 grain of strychnine sulfate per fluid ounce and in one of the shipments it contained less than 1 grain of arsenic trioxide per fluid ounce.

The Rumen Stimulant was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each ounce was represented to contain 30 grains of barium chloride; whereas each ounce contained less than so represented, namely, not more than 21.1 grains of barium chloride. It was alleged to be misbranded in that the statement, "Each ounce of Rumen Stimulant contains approximately: * * * Barium Chloride 30 Gr.," borne on the label, was false and misleading since each ounce of the article did not contain 30 grains of barium chloride but did contain a smaller amount.

San-O-Fern was alleged to be misbranded in that certain statements on the label, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective among other things as a treatment for roundworms (ascarids).

The Mastitis Ointment was alleged to be misbranded in that certain statements on the label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for "Mastitis * * * (Garget 'Caked Bag')."

On September 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 on each of the eight counts, the total fines amounting to $400.